

CAROLYN T. COMMITTA, MEMBER

25-A EAST WING
P.O. BOX 202156
HARRISBURG, PENNSYLVANIA 17120-2156
PHONE: (717) 705-2075
FAX: (717) 780-4751

21 W. WASHINGTON STREET, SUITE A
WEST CHESTER, PENNSYLVANIA 19380
PHONE: (610) 696-4990
FAX: (610) 738-2163

WWW.PAHOUSE.COM/COMITTA



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

COMMITTEES

AGING & OLDER ADULT SERVICES
ENVIRONMENTAL RESOURCES & ENERGY
LOCAL GOVERNMENT
SUBCOMMITTEE ON BOROUGHS
PROFESSIONAL LICENSURE
URBAN AFFAIRS
THE JOINT LEGISLATIVE CONSERVATION COMMITTEE

CAUCUSES

CLIMATE CAUCUS
GIRL SCOUT CAUCUS

March 14, 2018

RE: Docket No. P-2018-3000281

The Honorable Gladys M. Brown
Chairwoman
PA Utility Commission
3rd Floor North
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Dear Chairwoman Brown:

Attached for filing please find Petition for Intervention Pursuant to 52 Pa. Code Chapter 5A.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Carolyn T. Comitta".

CAROLYN T. COMMITTA
156th Legislative District

cc:

Attachments:

- Petition
- Certificate of Service of Petition to Intervene

RECEIVED

MAR 14 2018

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

RECEIVED

MAR 14 2018

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

In re: Sunoco Pipeline L.P. a/k/a	:	
Energy Transfer Partners	:	
	:	Docket No. P-2018-3000281
Petition of the Bureau of Investigation	:	
And Enforcement of the Pennsylvania	:	
Public Utility Commission For The	:	
Issuance of an Ex Parte Emergency	:	
Order	:	

PETITION FOR INTERVENTION PURSUANT
TO 52 Pa. CODE CHAPTER 5A

AND NOW, this 14th day of March, 2018, comes Commonwealth of Pennsylvania State Representative Carolyn Comitta of the 156th Legislative District, Chester County, Pennsylvania with offices at 21 West Washington Street, Suite A, West Chester, PA 19380 and 25A East Wing, Harrisburg, PA 17120 and here seeks to intervene as a party in the above-captioned matter and, in support thereof, avers the following:

- (1) On March 7, 2018 the Bureau of Investigation and Enforcement (BIE) of the Pennsylvania Public Utility Commission (Commission) filed a Petition for Issuance of an *Ex Parte* Emergency Order to the above referenced Docket seeking emergency relief against Sunoco Pipeline, L.P. (Sunoco) pursuant to 52 Pa. Code 3.1-3.4.
- (2) The factual circumstances that underlay the BIE's Petition for Emergency Relief included initial communications by affected landowners to which the BIE responded and found a series of sinkholes near properties located on Lisa Drive in West Whiteland Township, Chester County, Pennsylvania.
- (3) The sinkholes found by the BIE presented and continue to present a clear, present, significant, imminent danger to the affected property owners because they had undermined and are continuing to undermine and leave unsupported and are in the immediate vicinity of a pipeline constructed in the 1930's and recently repurposed by Sunoco to transport highly volatile, potentially explosive Natural Gas Liquids (NGL's) from Ohio and Western Pennsylvania to the Sunoco refining facility known as Marcus Hook located in Pennsylvania and Delaware. This operating pipeline is known and referred to herein as the Mariner East 1 Pipeline (ME1) and was at the time of the sinkhole formation and is currently transporting these highly volatile and potentially explosive NGL's.

(4) The highly volatile and potentially explosive NGL's being transported by the ME1 are, when released, odorless, colorless, heavier than air, highly explosive, and asphyxiating and do not readily disperse but, instead follow the prevailing winds and topography for long distances collecting in low lying areas and building basements including potentially those within the 156th District and, therefore, present a clear, imminent and existential danger to persons residing in the vicinity of the pipeline including Petitioner and constituents of Petitioner herein.

(5) The BIE also found and Petitioner here avers that Sunoco's on-site agents contracted to have large quantities of flowable fill deposited in each of the sinkholes:

- (a) without a permit to do so or notifying any jurisdictional regulatory agency,
- (b) without consultation with any geologist or expert on sinkhole remediation,
- (c) without creating any sinkhole remediation plan,
- (d) without studying or mapping surface or ground water flows,
- (e) without conducting any studies or testing of the underlying geology by resistivity, seismic investigation, ground penetrating radar or otherwise,
- (f) without excavating the sinkhole openings to bedrock,
- (g) without pressure grouting any underground voids,
- (h) without constructing any plug or bridge to prevent further sinkhole collapse;
- (i) without relocating, providing any additional support to or means to prevent strain by weighting, floatation or otherwise either the operating pipeline (ME1) or the two additional pipelines currently being constructed by Sunoco in close proximity within the same easement as ME1 and known and referred to herein as ME2 and ME2X.
- (j) Without following the recommendations for such sinkhole remediation made by and on behalf of Sunoco including those found within the study commissioned by and prepared for Sunoco and entitled *Void Mitigation Plan for Karst Terrain and Underground Mining* dated November 18, 2016 by Tetra Tech, Inc. of 661 Anderson Drive, Pittsburgh, PA 15220.

(6) Petitioner avers on information and belief that some or all of the listed actions in sub-Paragraphs (a)-(j) of Paragraph (5) above were necessary to protect

the lives, health, safety, and property of citizens living in the vicinity of the pipelines and beyond including Petitioner and constituents of Petitioner herein.

(7) Petitioner avers on information and belief that the deposition by Sunoco of this flowable fill was not an appropriate method to safely remediate the sinkholes or to protect the ME1, ME2 or ME2X pipelines from further or future damage including catastrophic collapse putting persons along the pipeline including Petitioner and constituents of Petitioner herein at great jeopardy.

(8) Petitioner avers on information and belief that the deposition of this flowable fill by Sunoco was completed in an attempt to camouflage the extent of the sinkhole activity and its relationship to the ME1, ME2 and ME2X pipelines from neighboring property owners, local officials including Petitioner herein, and regulatory personnel.

(9) As the BIE averred in its Petition for *Ex Parte* relief, Sunoco's actions have left the integrity of ME1 "potentially hazardous to life, property, and the environment." Petition for *Ex Parte* Relief at page 1. The lives and property referred to include those of all persons living in the vicinity of the pipelines including Petitioner and constituents of Petitioner.

(10) By Order dated and entered on March 7, 2018, the Commission granted the BIE's Petition for Emergency *Ex Parte* Relief requiring Sunoco to accomplish, *inter alia*, "at least one in line inspection tool" run through ME1 from one mile to the north to one mile to the south of Lisa Drive; thereafter to suspend hazardous liquid flow while maintaining pressure of 475 to 650 psig in ME1 for a 10-14 day study period, geophysical testing in the ME1 Horizontal Direct Drilling (HDD) area; and to discuss with BIE and Pipeline Safety staff the addition of strain gauges to ME1 "in the study area".

(11) Neither the BIE's Petition nor the Emergency Order make any direct reference to further study, proper design and preparation by suitable experts, or implementation of proper sinkhole remediation.

(12) Neither the BIE's Petition nor the Emergency Order make any direct reference to the lives, health, safety, or property of property owners potentially affected by a catastrophic collapse of the ME1 including Petitioner and constituents of Petitioner herein during the study period as it may be extended or thereafter in the event that ME1 operation and/or ME2 and ME2X construction and operation continue without proper sinkhole remediation.

(13) No provision has been made to ensure the lives, health, safety, or property of Petitioner and constituents of Petitioner herein during the operation of ME1 or the construction and operation of ME2 or ME2X now being constructed without pause in the same geologically unstable area that caused the emergency situation with ME1 and which continues through the Petitioner's Legislative District.

(14) Petitioner is eligible to intervene in this matter pursuant to 52 Pa. Code 5.72 because, *inter alia*:

- (a) Petitioner is an officer of the Commonwealth within the intendment of 52 Pa. Code 5.72(b).**
- (b) Petitioner intends to assert rights on her own behalf and on behalf of her constituents guaranteed by the United States and Commonwealth of Pennsylvania Constitutions including without limitation the rights to due process before the deprivation of life, liberty, or property protected by the Takings Clause of the Fifth Amendment applicable to the states by force of the Fourteenth Amendment of the United States Constitution; the right to enjoy and defend life, liberty, and property protected by Article I, Section 1 of the Constitution of the Commonwealth of Pennsylvania, and the right of the people under the Environmental Rights Amendment of Article I, Section 27 of the Constitution of the Commonwealth of Pennsylvania;**
- (c) Petitioner is asserting interests which may be directly affected by this matter but are not adequately presented by existing participants including but not limited to the interests recited in Paragraphs (6) through (9) above; sub-Sections (a) and (b) of this Paragraph, and the interests described in Paragraphs (11) through (13) of this Petition; and**
- (d) It is in the interest of the public that Petitioner participates by intervention in this matter to ensure that the parties do not, by agreement or otherwise, limit or fail to undertake or to require and inspect in a workmanlike, good faith manner any of the protective actions required by the Emergency Order or discovered during the study period to be necessary to protect the public including Petitioner and constituents of Petitioner herein or to fail to address by adequate means the concerns described by reference in the preceding sub-Section (c) of this Paragraph.**

(15) In the event that the Commission grants the instant Petition to Intervene, Petitioner intends to support the actions of the BIE and the Office of Pipeline Safety, ensure that the protections described in the Emergency Order of March 7, 2018 are implemented fully and in complete good faith; assert and defend the interests described in Paragraph (14) hereinabove and further support the interests of the neighbors and the affected public including Petitioner's legislative constituents, stakeholders and HCA's along the route of ME1, ME2, and ME2X within and without Petitioner's Legislative District in the proper resolution and remediation of the

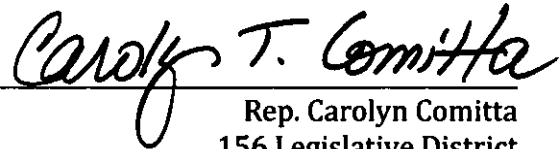
public hazards made the subject of the BIE's Emergency Petition for *Ex Parte* Relief and the Commission's responsive Emergency Order dated March 7, 2018.

NOW, THEREFORE, on the basis of the averments set forth above, the Petitioner respectfully requests the Commission to enter an Order granting the instant Petition for Intervention pursuant to 52 Pa. Code 5.75 as well as any related relief the Commission deems appropriate.

Respectfully Submitted,

3.14.18

Date



Rep. Carolyn Comitta
156 Legislative District
Commonwealth of Pennsylvania
21 Washington Street, Suite A
West Chester, PA 19380
(610) 696-4990

25A East Wing
Harrisburg, PA 17120
(717) 705-2075

VERIFICATION

I, Representative Carolyn Comitta, Petitioner herein, hereby state that the facts averred in this Petition for Intervention are true and correct to the best of my knowledge, information, and belief. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. 4904 relating to unsworn falsification to authorities.

3.14.18

Date

Carolyn Comitta

Rep. Carolyn Comitta
156 Legislative District
Commonwealth of Pennsylvania
21 Washington Street, Suite A
West Chester, PA 19380
(610) 696-4990

25A East Wing
Harrisburg, PA 17120
(717) 705-2075

RECEIVED

MAR 14 2018

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Pennsylvania Public Utility Commission	:	
In re: Sunoco Pipeline L.P. a/k/a	:	
Energy Transfer Partners	:	
	:	Docket No. P-2018-3000281
Petition of the Bureau of Investigation	:	
And Enforcement of the Pennsylvania	:	
Public Utility Commission For The	:	
Issuance of an Ex Parte Emergency	:	
Order	:	
	:	
Petitioner	:	
	:	
v.	:	
	:	
Sunoco Pipeline L.P. a/k/a/ Energy	:	
Transfer Partners,	:	
	:	
Respondent	:	

**CERTIFICATE OF SERVICE OF
PETITION TO INTERVENE**

I hereby certify that I have this date filed and served a true and correct copy of the foregoing Petition to Intervene upon the Commission and the parties listed below at the addresses there set forth and all in accordance with the requirements of 52 Pa. Code 1.54.

Filing of Original Process

Rosemary Chiavetta, Secretary
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265

Service by First Class Mail:

Paul J. Metro
 Fixed Utility Valuation Manager,
 Bureau of Investigation and Enforcement
 Safety Division; and

Michael L. Swindler, Esquire
 Deputy Chief Prosecutor
 Pennsylvania Public Utility Commission
 P.O. Box 3265, Harrisburg, PA 17105-3265

RECEIVED
 MAR 14 2018
 PA PUBLIC UTILITY COMMISSION
 SECRETARY'S BUREAU

Curtis N. Stambaugh, Esquire
Assistant General Counsel
Sunoco Logistics Partners L.P.
212 Third Street, Suite 201
Harrisburg, PA 17101

Nels J. Taber, Esquire
Senior Litigation Counsel
Department of Environmental Protection
Office of Chief Counsel
400 Market Street, 9th Floor
Harrisburg, PA 17101

Robert Burroughs
PHMSA Eastern Region
820 Bear Tavern Road, Suite 103
West Trenton, NJ 08628

Office of the Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923

Lisa R. Suller 3/14/18



House of Representatives

COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

CAROLYN T. COMMITTA, MEMBER

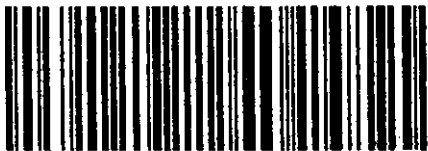
25A EAST WING

P.O. BOX 202156

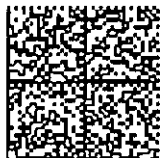
HARRISBURG, PENNSYLVANIA 17120-2156

CKER- TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL™



7012 3050 0001 8062 1583



U.S. POSTAGE >>> PITNEY BOWES



ZIP 17120
02 4W

\$ 006.88⁰

0000343523 MAR 14, 2018

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

171053265 8099

